

INSTRUCTIONS FOR DIVORCE WITH AN AGREEMENT – WITH CHILDREN

IMPORTANT! READ BEFORE USING THIS PACKET

ND Legal Self Help Center staff and court employees cannot help you fill out the forms in this packet. If you are unsure how to proceed, you should consult a lawyer.

To protect your rights, carefully read this information and any instructions to which you are referred.

You may go to court without a lawyer, but you will have to abide by the state or federal laws that apply to your case, the appropriate court rules, including North Dakota Rules of Civil Procedure, North Dakota Rules of Court, North Dakota Administrative Rules and Orders, and any local court rules. Links to the rules and state laws can be found at www.ndcourts.gov.

A glossary with definitions of legal terms is available at www.ndcourts.gov/ndlshc.

This information is not a complete statement of the law. This covers basic procedure for asking a North Dakota District Court for a divorce when there are minor children of the marriage and the spouses agree on all issues related to the divorce and parenting rights and responsibilities. If the forms do not fit your circumstances, consult a lawyer. There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

You may only use these forms if your answer to ALL of the following statements is “Yes.”

1. Both spouses are currently in communication with each other.
2. Both spouses agree on all issues and there are no issues on which they disagree.
3. One of the spouses has lived in North Dakota for the past six months.
4. All of the minor children have lived in North Dakota with a spouse for at least the past 6 months (or since birth); ***OR*** Within the past 6 months, North Dakota was the home state of all of the children and one spouse still lives in North Dakota.
5. There is no other custody, visitation, divorce or paternity order from a North Dakota court or court of another state.
6. This is the only legal action pending between the spouses regarding the marriage or the minor children.
7. Neither spouse is currently in the military; ***OR*** one or both spouses are currently in the military but not deploying or deployed.
8. There is no domestic violence protection order or disorderly conduct restraining order in effect regarding either spouse.

If you answered “No” to any of the above, you may not use this forms packet.

Caution Regarding Domestic Violence. Domestic violence protection orders and disorderly conduct restraining orders generally do not allow communication between the person protected by the order and the person the order is against.

This packet of forms is designed to be used by spouses who represent themselves and agree on all issues related to the divorce and minor child(ren). The spouses must be in communication with each other to share information, make decisions and complete the forms before filing with the Clerk of Court. If there is a domestic violence protection order or disorderly conduct restraining order in effect against either spouse, you may not use these forms.

If there is no domestic violence protection order or disorderly conduct restraining order in effect, but you are concerned about the impact of domestic violence on you or your child(ren), this packet of forms may not be suitable. Before using this packet of forms, you are strongly urged to consult a lawyer and to contact a domestic violence intervention center in your area to help you navigate your situation. CAWS North Dakota can help you find a domestic violence intervention center in your area. The phone number is (888) 255-6242; the website is www.cawsnorthdakota.org.

NORTH DAKOTA LAWS RELATED TO DIVORCE AND PARENTING RIGHTS AND RESPONSIBILITIES:

[Chapter 14-05 of the North Dakota Century Code](#) governs divorce.

[Chapter 14-09 of the North Dakota Century Code](#) governs parenting rights and responsibilities, such as custody, visitation, and child support.

[Chapter 14-14.1 of the North Dakota Century Code](#) is the Uniform Child Custody Jurisdiction and Enforcement Act. This Chapter governs when a North Dakota district court has the authority to make binding decisions on determining parenting rights and responsibilities.

Chapter 14-05, 14-09 and 14-14.1 are Chapters within [Title 14 of the North Dakota Century Code](#). There are many other laws related to families in Title 14. You may find them of interest.

Laws constantly change through legislation, administrative rulings and court decisions. To determine how a law applies to your situation, review the applicable law or laws, administrative rulings and court decisions. Notes of court decisions related to North Dakota law can be found in the print editions of the North Dakota Century Code. Print editions of the North Dakota Century Code are found in many North Dakota public and academic libraries.

Only a lawyer licensed to practice in North Dakota who has agreed to represent you can give you legal advice. Legal advice includes interpreting how the laws apply to your situation.

FORMS IN THE PACKET:

See the individual form for instructions on completing the form.

Form Title	Description
Form 1: Summons	Notifies the Defendant that the Plaintiff started the process for a divorce. <u>The summons must be signed and dated by the clerk of court to be valid.</u>
Form 2: Complaint	Gives the court information about the Plaintiff and Defendant, and their children. Tells the court what the Plaintiff is asking for from the court.
Form 3: Settlement Agreement	A written, signed and notarized agreement of the Plaintiff and Defendant determining all issues of the divorce and the parenting rights and responsibilities to the minor child(ren).
Form 4: Confidential Property and Debt Listing	Lists the assets and debts of the marriage, as well as the agreed upon values of the assets and outstanding amount of each debt. This form is a part of the court record that is not seen by the public.
Form 5: Confidential Information Form	Lists the full confidential information that is not allowed to appear in other documents filed with the court. This form is a part of the court record that is not seen by the public.
Form 6: Admission of Service	Proof that copies of the completed Form 1: Summons, and Form 2: Complaint were delivered to and accepted by the Defendant.
Form 7: Affidavit of Proof for Stipulated Judgment	The Plaintiff's written, signed and notarized statement of the facts and the court's authority (jurisdiction) to decide the action.
Form 8: Findings of Fact, Conclusions of Law and Order for Judgment (Proposed)	Findings of Fact are the Court's written determination of the facts made from the evidence presented. Conclusions of Law are the rulings of law made by the Court based on, or in connection with, the Findings of Fact. These are your <u>proposed</u> findings of fact and conclusions of law, which are based on the Settlement Agreement.
Form 9: Judgment (Proposed)	A written order of the judge's decision. The divorce is not granted until the judgment is signed and filed. This is your <u>proposed</u> judgment, which is based on the Settlement Agreement
Form 10: Notice of Entry of Judgment	A required notice from the Plaintiff to the Defendant. Served on the Defendant within 14 days after the judgment is entered.

DEFINITIONS:

******The following definitions are intended to be helpful, BUT they are not intended to constitute legal advice OR address every possible meaning of the terms in this section.******

Assets – everything owned by owned by either spouse, whether owned jointly or individually. Assets include, but are not limited to, real property, cars, furniture, bank accounts, jewelry, life insurance policies, businesses, and retirement plans.

Decision making responsibility – the responsibility to make decisions concerning the child. The term may refer to decisions on all issues or on specific issues, but not child support issues.

Debts – (also called Liabilities) everything owned by either spouse, whether owned jointly or individually. Debts include, but are not limited to, mortgages, credit cards, student loans and car loans.

Deploying or deployed parent – a deploying or deployed parent is a uniformed service member who has been notified of orders of movement or mobilization for more than ninety days but less than eighteen months **AND** the orders are designated as unaccompanied, not authorized for dependent travel, or do not permit family members to move to the deployment location.

Equitable distribution – (also called Equitable Division) marital property is distributed equitably (fairly) in a divorce. A court would make an equitable distribution based on the following factors:

- Respective ages of the spouses;
- Earning ability;
- Duration of the marriage and conduct of the spouses during the marriage;
- Station in life;
- Circumstances and necessities of the spouses;
- Health and physical condition;
- Financial circumstances as shown by the property owned at the time;
- Value of the property owned at the time;
- Income-producing capacity of the property owned at the time, if any;
- Whether the property was accumulated before or after the marriage; and
- Any other matters that may be material.

Generally, the factors above are applied when spouses do not agree. However, a court has the authority to decide whether a settlement agreement between the spouses was entered into as a result of mistake, duress, menace, fraud, or undue influence.

Home state – the state in which a child lived with a parent for at least six consecutive months immediately before the commencement of a child custody proceeding. In the case of a child less than six months of age, home state means the state in which the child lived from birth with a parent. A period of temporary absence of any of the mentioned persons is part of the period.

Irreconcilable differences – (also called No Fault) substantial reasons for not continuing the marriage and which make it appear the marriage should be dissolved. The court need only find that irreconcilable differences exist.

Marital property – all of the assets and debts owned by either spouse, whether owned jointly or individually.

Obligor – the person ordered by the court to pay child support or spousal support.

Obligee – the person receiving child support or spousal support ordered by the court.

Parental rights and responsibilities – all the rights and responsibilities a parent has concerning the parent's child.

Parenting plan – a written plan describing each parent's rights and responsibilities.

Parenting schedule – the schedule of when the child is in the care of each parent.

Parenting time – the time when the child is to be in the care of a parent. (Also known as visitation.)

Personal property – every kind of property that is not real property. (See real property definition below.) Personal property includes, but is not limited to, cars, furniture, bank accounts, jewelry, life insurance policies, businesses, and retirement plans.

Primary residential responsibility – a parent with more than fifty percent of the residential responsibility.

Qualified Domestic Relations Order (QDRO) – an order of the court that directs the administrator of a retirement plan to divide retirement assets as granted in a divorce judgment. There are many different QDRO's that are specific to the type of retirement plan. For more information about QDRO's, go to <http://www.dol.gov/ebsa/publications/qdros.html>.

If you divide a retirement asset between spouses, a QDRO is required. The spouses MUST present a proposed QDRO to the court to consider and sign. The court WILL NOT draft a QDRO for you. The ND Legal Self Help Center DOES NOT have QDRO forms or instructions. Consulting a lawyer is strongly recommended when dividing a retirement asset!

Real property – land either with or without buildings upon it. For example, a home is real property.

Residency requirement – the amount of time a spouse must live in North Dakota before they can ask a North Dakota district court to grant a divorce. The residency requirement for North Dakota is 6 months.

Residential responsibility – a parent's responsibility to provide a home for the child. (Also known as custody.)

THE PARTIES:

The spouse starting the divorce action is called the **Plaintiff**. The other spouse is called the **Defendant**.

The spouse who will be listed as Plaintiff to this divorce action should be a spouse who can answer “Yes” to Statement #3 on page 1 of these instructions. If neither spouse can answer “Yes” to Statement #3, you may not use this packet of forms.

DIVIDING PENSION OR RETIREMENT PLANS:

Read this section if the spouses are planning to divide individual pension or retirement plans between the spouses.

If neither spouse has pension nor retirement plans, OR the spouses will keep their own pension or retirement plans, without dividing an individual plan, move to STEP ONE.

Dividing pension plans and retirement accounts is extremely complicated. The spouses are responsible for making sure these assets are divided, which will require a separate court order to divide these assets. The separate court order is called a qualified domestic relations order (QDRO) and the parties are responsible for obtaining a proposed QDRO and presenting the proposed QDRO to the court. The court will not draft a QDRO document or an order including a QDRO.

See STEP FIVE for more information about how to obtain a proposed QDRO before you file the completed forms packet with the Clerk of Court.

The ND Legal Self Help Center does not have QDRO forms or instructions and cannot assist with drafting or obtaining QDRO's. Consulting a lawyer is strongly recommended when dividing a retirement asset!***

**THE STEPS FOR COMPLETING THE PACKET ARE ON PAGES 6 THROUGH 15.
REVIEW ALL OF THE STEPS BEFORE USING THE PACKET.**

STEP ONE:

Review the Forms and Instructions; Gather Information and Make Decisions

Review the forms and instructions:

Read these instructions carefully. Review the individual forms and their instructions carefully. Determine if the forms apply to your situation. If you do not know if you should use this packet of forms, consult a lawyer who is licensed to practice in North Dakota.

Gather information and Make Decisions:

Both spouses should gather information to help make decisions about the following:

- Dividing marital property.
 - Make a list of all assets and debts, including value of each asset and amount of each debt.
- Residential responsibility of the minor child(ren). (Also known as custody.)
- Parenting time, including scheduling. (Also known as visitation.)
- Decision making responsibility for the minor child(ren).
- Child support, including wages and other earnings information.
- Medical coverage, including health insurance premiums, copays, deductibles, etc.

Complete your child support calculations:

If you already have a Child Support Order, get a copy of the Order to include with the completed packet of forms. You do not need new child support calculations.

If you do not already have a Child Support Order, you need to complete your child support calculations before either parent signs the Settlement Agreement. If you do not want to establish child support at this time, you may not use this packet of forms.

The Child Support Division of the North Dakota Department of Human Services created and provides support for the Child Support Guidelines Calculator. You will find the Calculator at <http://www.nd.gov/dhs/services/childsupport/progserv/guidelines/guidelines.html>.

The Child Support Division may be able to provide some assistance with your child support calculations. (701-328-5440; 800-231-4255) Court personnel and staff of the ND Legal Self Help Center cannot assist with child support calculations.

Proceed to the Child Support Guidelines Calculator. You can complete your child support calculations in Excel or on paper. Read and follow the instructions carefully!

If the parents will have equal residential responsibility, you must calculate child support amounts for both parents.

If one parent will have primary residential responsibility (more than 50% of the residential responsibility), you must calculate the child support amount for the parent with less than 50% of the residential responsibility.

WARNING: If you plan to ask the court to allow a parent to pay a different amount of child support than the Child Support Guidelines Calculator amount, you are strongly urged to consult a lawyer for assistance. The Calculator amount is presumed to be the correct amount of child support. The parent asking for a deviation from the Calculator amount must prove they meet one of the limited exceptions for deviation, and the deviation is in the best interests of the child(ren). See [North Dakota Century Code Section 14-09-09.7](#) and [North Dakota Administrative Code Section 75-02-04.1-09](#).

STEP TWO:

Fill out the “Summons” and “Complaint” Forms; Make Copies

Fill out the Summons (Form 1):

The Summons (Form 1) tells the Defendant that the Plaintiff has filed a lawsuit against him or her asking the North Dakota District Court to grant a divorce. The Summons also tells the Defendant that if he or she does not file a written Answer to your lawsuit, the Court may give the Plaintiff everything they ask for in the lawsuit.

Filling out this form is required even though you and the other parent agree on all issues in the divorce action.

Instructions for completing the Summons are attached to the form.

Both parties are required to obey the Summons. **Read it carefully!**

Take the completed summons form to the clerk of district court of the North Dakota county where you intend to file the completed packet of forms. The clerk of district court must sign the summons before you complete STEP FOUR.

Fill out the Complaint (Form 2):

Fill out the Complaint (Form 2). The Complaint is divided into three parts. The first part gives the Court information about both spouses, your minor child(ren), and your property. The

second part tells the Court and the Defendant what the Plaintiff is asking for from the Court. The third part is the Plaintiff's sworn statement to the Court that the Plaintiff is telling the truth.

Instructions for completing the Complaint are attached to the form.

WARNING: By signing your name you are telling the Court that you are telling the truth and that you have a good faith reason for your requests. If you are not telling the truth or if you are misleading the Court of if you are serving or filing this document for an improper purpose, the Court could find you in contempt or you may be prosecuted for perjury.

Make Copies of Completed "Summons" and "Complaint" Forms:

Make TWO copies of the completed Summons (Form 1) and TWO copies of the completed Complaint (Form 2). Keep one copy for yourself. You will give one copy to the Defendant in STEP FOUR.

STEP THREE:

Fill out the "Settlement Agreement," "Confidential Property and Debt Listing," and "Confidential Information" Forms

Fill out the Settlement Agreement ONLY if both spouses agree on all issues. If agreement has not been reached on every issue, you may not use this packet of forms.

The Settlement Agreement (Form 3) tells the Court that the spouses have reached an agreement settling all of the issues involved in this divorce action. It also tells the Court exactly what the terms of the agreement are.

Instructions for completing the Settlement Agreement are attached to the form.

DO NOT sign and date the Settlement Agreement until after the Defendant dates and signs the Admission of Service in STEP FOUR. The Settlement Agreement is not completed until the date from the completed Admission of Service (Form 6) is filled in.

Fill out the Confidential Property and Debt Listing (Form 4) and Confidential Information Form (Form 5). Refer to the completed Settlement Agreement (Form 3) to complete the Confidential Property and Debt Listing and Confidential Information Form.

Instructions for completing the Confidential Property and Debt Listing and the Confidential Information Form and are attached to the forms.

A Note About Confidential Information In Documents Filed with the Court:

Court records are generally available to the public, and anyone can request to look in almost any court file. However, certain information is required to remain confidential, even if it is part of a public court record.

You and your spouse are solely responsible for making sure confidential information does not appear in the documents you each prepare. Confidential information includes:

- Social security numbers
- Taxpayer identification numbers
- Birthdates
- Financial-account numbers.

Documents filed with the Court with references to confidential information must include only:

- The last four (4) digits of the social security number and taxpayer identification number
- The year of birth
- The last four (4) digits of the financial-account number

Since the forms in this packet include references to confidential information, you must prepare a Confidential Information form. The form must contain the full confidential information that is referenced in the documents.

STEP FOUR:

Sign and Date the “Settlement Agreement” Form; Serve the “Summons” and “Complaint” Forms on the Defendant

Sign and Date the Settlement Agreement:

The Settlement Agreement is not completed until the date from the completed Admission of Service (Form 6) is filled in.

DO NOT sign and date the Settlement Agreement until you are in the presence of a Notary Public or Clerk of Court.

Get Defendant’s Signatures on the Settlement Agreement, Confidential Property and Debt Listing and Confidential Information Form:

If the Defendant has not already signed the completed Settlement Agreement (Form 3) and Confidential Property and Debt Listing (Form 4) in the presence of a notary public or clerk of

court, send or give the original, completed Settlement Agreement and Confidential Property and Debt Listing to the Defendant.

If the Defendant has not already signed the completed Confidential Information Form (Form 5), send or give the original, completed Confidential Information Form to the Defendant.

Ask the Defendant to do the following:

- Sign the Settlement Agreement and Confidential Property and Debt Listing in the presence of a notary public or clerk of court.
- Sign the Confidential Information Form.
- Make a copy of each for the Defendant's records.
- Return the original, signed and notarized Settlement Agreement and Confidential Property and Debt Listing, and the original, signed Confidential Information Form to you.

Serve One Copy of the Completed "Summons" and "Complaint" Forms on the Defendant:

Fill out the caption of the Admission of Service (Form 6). Send or give the following to the Defendant:

- One copy of the completed Summons;
- One copy of the completed Complaint; and
- The original Admission of Service.

Ask the Defendant to do the following:

- On the Admission of Service, fill in the Defendant's full, legal name and the date the Defendant received their completed copies of the Summons and Complaint;
- Sign the Admission of Service;
- Make a copy of the Admission of Service for the Defendant's records; and
- Return the original, completed Admission of Service to you.

Make a copy of the original, completed Admission of Service for your records.

WARNING: Once the Defendant receives copies of the completed Summons and Complaint, and the Defendant dates and signs the Admission of Service, neither spouse can take your minor child(ren) from North Dakota without the written permission of the other spouse or an order of the Court. (This does not include taking your minor child(ren) from North Dakota for temporary periods.) If a spouse disobeys this temporary restraining provision, that spouse may be in contempt of court.

STEP FIVE:

Obtain a Proposed Qualified Domestic Relations Order (QDRO)

Complete this section if the spouses are divided individual pension or retirement plans between the spouses.

If neither spouse has pension nor retirement plans, OR the spouses kept their own pension and retirement plans, without dividing an individual plan, you may skip this step.

Dividing pension plans and retirement accounts is extremely complicated. The spouses are responsible for making sure these assets are divided, which will require a separate court order to divide these assets. The separate court order is called a qualified domestic relations order (QDRO) and the parties are responsible for obtaining a proposed QDRO and presenting the proposed QDRO to the court. The court will not draft a QDRO document or an order including a QDRO.

The following website is a publication from the U.S. government that more fully describes the complexities of a QDRO - <http://www.dol.gov/ebsa/publications/qdros.html>.

If Plaintiff's plan will be divided, the Plaintiff is responsible for obtaining the proposed QDRO.

If Defendant's plan will be divided, the Defendant is responsible for obtaining the proposed QDRO.

Contact the plan administrator early in the process. Some plan administrators have sample QDRO documents for you to follow when drafting your own QDRO.

DO NOT sign the proposed QDRO. The QDRO is signed by the Judge or Judicial Referee.

Make a copy of all proposed QDRO(s) for your records. The original proposed QDRO(s) are filed in STEP EIGHT.

*****The ND Legal Self Help Center does not have QDRO forms or instructions and cannot assist with drafting or obtaining QDRO's. Consulting a lawyer is strongly recommended when dividing a pension or retirement asset! Even if you use a plan administrator's form, you may want a lawyer to advise whether you are giving up any important benefits.*****

PROCEED TO STEP SIX AFTER YOU HAVE COMPLETED STEPS ONE THROUGH FIVE.

STEP SIX:**Fill out the “Affidavit of Proof for Stipulated Judgment” Form**

This forms packet is designed to be presented to a North Dakota District Court without requiring an in-person hearing. Evidence is presented by affidavit, which is a sworn statement of the facts of the divorce action.

Please be aware that the Court may still request an in-person hearing before making a final decision.

Fill out the Affidavit of Proof for Stipulated Judgment (Form 7). This is the Plaintiff’s notarized (sworn) statement of the facts of the action.

Instructions for completing the Affidavit of Proof for Stipulated Judgment are attached to the form.

DO NOT sign and date the Affidavit of Proof for Stipulated Judgment until you are in the presence of a Notary Public or Clerk of Court.

Make a copy of the completed Affidavit of Proof for Stipulated Judgment for your records.

STEP SEVEN:**Fill out the “Findings of Fact, Conclusions of Law and Order for Judgment” AND the “Judgment” Forms**

Findings of fact are the Court’s written determination of the facts made from the evidence presented in the motion. This explains what facts the Court found to be true.

Conclusions of law are the rulings of law made by the Court based on, or in connection with, the findings of fact. These are the legal consequences of the facts the Court found to be true.

The Findings of Fact, Conclusions of Law and Order for Judgment (Form 8) are your **PROPOSED** findings of fact, conclusions of law and order for judgment for divorce. The Judge or Referee assigned to your action will ultimately decide whether to grant your divorce. The Judge or Referee will also decide whether to use your proposed findings of fact, conclusions of law and order for judgment.

The Judgment (Form 9) is your **PROPOSED** judgment for divorce. If the Judge or Referee assigned to your action grants your divorce and uses your proposed findings of fact, conclusions of law and order for judgment, the Clerk of Court will sign and date your proposed judgment.

Fill out the Findings of Fact, Conclusions of Law and Order for Judgment and the Judgment.

Instructions for filling out the Findings of Fact, Conclusions of Law and Order for Judgment and the Judgment are attached to the forms.

Make a copy of the completed Findings of Fact, Conclusions of Law and Order for Judgment and the Judgment for your records.

STEP EIGHT:

File All of the Completed Forms with the Clerk of Court

Take or mail the completed **ORIGINAL** of each of the following documents to the Clerk of Court's Office in the County where your action is located:

- Summons (Form 1);
- Complaint (Form 2);
 - Include any additional sheets.
- Settlement Agreement (Form 3);
 - Include any additional sheets and/or child support calculations.
- Confidential Property and Debt Listing (Form 4)
- Confidential Information Form (Form 5);
- Admission of Service (Form 6);
- Affidavit of Proof for Stipulated Judgment (Form 7);
- Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) (Form 8);
 - Include any additional sheets.
- Judgment (Proposed) (Form 9); and
 - Include any additional sheets.
- All proposed QDRO's.

You will need to pay a filing fee. The filing fee for a divorce action is currently \$80.

If you cannot afford to pay the filing fee, the judge may waive it under certain circumstances. Forms and instructions to request an order to waive filing fees are available at www.ndcourts.gov/ndlshc by clicking on the "Other Forms" link. File the completed forms when you file your action. If your request is not granted by the Court, you must be prepared to pay the filing fee or the Clerk of Court cannot accept your documents.

The original documents will be kept in the court file. The Clerk of Court will assign a case number to your case and send you a letter telling you the case number and the date that your documents were filed.

After the Court reviews all of the paperwork, the Court might require a hearing. If the Court requires a hearing, you will be notified of the date, time and location of the hearing. You must attend the hearing. If you fail to attend the hearing the Court may not grant your divorce. If the Court approves the Settlement Agreement, the Clerk of Court will send you and the Defendant a copy of the Judgment telling you the judge signed the Findings of Fact, Conclusions of Law, and Order for Judgment and the Judgment has been filed which means the divorce is granted and is final.

If the Court does not require a hearing and the Court approves the Settlement Agreement, the Clerk of Court will send you and the Defendant a copy of the Judgment telling you the judge has signed the Findings of Fact, Conclusions of Law, and Order for Judgment and the Judgment, has been filed which means the divorce is granted and is final.

If you need a certified copy of the divorce judgment, you may obtain one for a fee through the Clerk of Court's office.

WARNING: THE DIVORCE IS NOT GRANTED AND FINAL UNTIL THE JUDGMENT IS FILED.

STEP NINE:

Serve the Notice of Entry of Judgment on the Defendant; File Proof of Service

Within 14 days after the divorce judgment is entered, the Plaintiff must serve a Notice of Entry of Judgment (Form 10) on the Defendant. Fill out the form and follow the instructions for service on the Defendant. You must include a copy of the Judgment when you serve the completed Notice of Entry of Judgment.

Instructions for completing and serving the Notice of Entry of Judgment are attached to the form.

After service is complete, file the original completed Notice of Entry of Judgment and proof of service on the Defendant with the Clerk of Court.

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DIVORCE WITH AN AGREEMENT – WITH CHILDREN

INSTRUCTIONS FOR FORM 1: SUMMONS

(Form 1: Summons is part of the Divorce With an Agreement – With Children packet of forms. Review the instructions for the packet of forms before completing the Summons.)

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Do not include this instruction sheet when you serve or file the completed form.

THE PLAINTIFF COMPLETES AND SIGNS THIS FORM. THE CLERK OF COURT MUST SIGN AND DATE THIS FORM.

Top of Form (Caption): Fill in the name of the County in North Dakota where you intend to file the divorce action.

- Fill in the name of the Judicial District in North Dakota where the County is located. (The County is within the Judicial District.) County and Judicial District information and maps are available at www.ndcourts.gov.
- Fill in the full, legal name of the spouse who will be listed as the Plaintiff.
- Fill in the full, legal name of the spouse who will be listed as the Defendant.
- Leave Case No blank. When all of the completed documents are accepted for filing, the Clerk of Court will assign a case number. (See Step Eight of the Instructions for the forms packet.)

Date and Signature: Sign and date the summons.

- Go to the clerk of court's office in the County in North Dakota where you will file the divorce action. The clerk of court must date and sign the summons.
- In divorce actions, when a Plaintiff is not represented by a lawyer, the summons must be issued by the Clerk of Court. **The Clerk of Court must sign and date the summons before it is served on the Defendant.**

Do not include this instruction sheet when you serve or file the completed form.

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DIVORCE WITH AN AGREEMENT – WITH CHILDREN

INSTRUCTIONS FOR FORM 2: COMPLAINT

(Form 2: Complaint is part of the *Divorce With an Agreement – With Children* packet of forms.
Review the instructions for the packet of forms before completing the Complaint.)

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Do not include these instruction sheets when you serve or file the completed form.

THE PLAINTIFF COMPLETES AND SIGNS THIS FORM.

Top of form (Caption): Fill in the caption exactly as you filled in the caption on *Form 1: Summons*.

Paragraphs 1 & 2: If the statements in Paragraphs 1 and 2 are not true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 3: Fill in your information.

Paragraph 2: Fill in the information for the Defendant.

Paragraph 4: Fill in your marriage information.

Paragraph 5: Put a checkmark (✓) next to the statement that true for your situation. If neither statement is true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

- See the instructions for the packet of forms for the definitions of deployed or deploying parent.

Paragraph 6: If the statement in Paragraph 6 are not true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 7: Fill in the information for each minor child of you and Defendant.

- Be sure to use only the initials of each minor child.
- If the minor child does not have a social security number, type or write “N/A”.

If you have more than three minor children together, attach a sheet that lists the information for each additional child.

- Put a checkmark (✓) in the box at the end of Paragraph 5.
- Type or write “Complaint Paragraph 7” on the top of the additional sheet(s).

Paragraph 8: Put a checkmark (✓) next to the residential responsibility option that you and the Defendant will request from the Court. DO NOT put a checkmark in more than one box.

- See the instructions for the packet of forms for definitions of residential responsibility and parenting time.

Please note that this forms packet does not include an option for split residential responsibility (dividing the minor children between the parents). If you want a court to establish split residential responsibility, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 9: Put a checkmark (✓) next to the statement that is true for your situation. If neither statement is true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 10: Put a checkmark (✓) next to the statement that is true for your situation.

- Type or write the full, legal name of the parent.

If neither statement is true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 11: Complete all 5 parts of Paragraph 11.

- Paragraph 11(a): Fill in the information for each minor child listed in Paragraph 7. (Initials only)
- Paragraph 11(b): Fill in the information for each minor child listed in Paragraph 7. (Initials only)
- Paragraph 11(c): Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the additional information.
- Paragraph 11(d): Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the additional information.
- Paragraph 11(e): Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the additional information.
- If you need more space to answer any of Paragraph 11, attach a sheet or sheets with the additional information.
 - Put a checkmark (✓) in the box at the end of Paragraph 11.
 - Type or write “Complaint Paragraph 11” on top of the additional sheet(s).

Paragraph 12: Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the case number of the child support order.

- If you already have a child support order, make sure you have a copy. You will file the copy of the child support order with the court. (See Step Eight of the Instructions for the forms packet.)

Paragraphs 13 & 14: If the statements in Paragraphs 13 and 14 are not true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 15: Put a checkmark (✓) next to the statement that is true for your situation.

Paragraphs 16 through 20: Read the statements carefully. This tells the court what you are asking for from the court.

Date and Signature: Complete the date and signature block.

- Fill in the date you sign this document.
- Sign the signature line.
- Fill in the address lines. If you have a physical address and a mailing address, type or write both addresses using the lines provided, and the space next to the address lines.
- Fill in the telephone number line.

Verification: Do not fill out or sign the verification until you are in the presence of a Notary Public or a Clerk of Court. Make sure to bring identification to show to the Notary Public or Clerk of Court.

WARNING: By signing your name you are telling the Court that you are telling the truth and that you have a good faith reason for your requests. If you are not telling the truth or if you are misleading the Court, or if you are serving or filing this document for an improper purpose, the Court could find you in contempt or you may be prosecuted for perjury.

Do not include these instruction sheets when you serve or file the completed form.

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DIVORCE WITH AN AGREEMENT – WITH CHILDREN

INSTRUCTIONS FOR FORM 3: SETTLEMENT AGREEMENT

(*Form 3: Settlement Agreement* is part of the *Divorce With an Agreement – With Children* packet of forms. Review the instructions for the packet of forms before completing the Settlement Agreement.)

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Do not include these instruction sheets when you serve or file the completed form.

THE PLAINTIFF AND DEFENDANT WORK TOGETHER TO COMPLETE THIS FORM.

Top of form (Caption): Fill in the caption exactly as you filled in the caption on *Form 1: Summons*.

Whereas: Review the statements carefully.

AGREEMENT AS TO FACTS:

Paragraph 1: Fill in the date the Defendant signed *Form 6: Admission of Service*.

- **IMPORTANT!** Do not sign and date this Settlement Agreement in the presence of a notary until Paragraph 1 is filled in with the date the Defendant signed *Form 6: Admission of Service*.
- Refer to STEP FOUR of the Instructions for the *Divorce With an Agreement – With Children* packet of forms for obtaining the Defendant's signature on *Form 6: Admission of Service*.

Paragraph 2: Refer to Paragraph 3(a) of *Form 2: Complaint*. Fill in your information.

Paragraph 3: Refer to Paragraph 3(b) of *Form 2: Complaint*. Fill in the information for the Defendant.

Paragraph 4: Refer to Paragraph 4 of *Form 2: Complaint*. Fill in your marriage information.

Paragraphs 5 & 6: If the statements in Paragraphs 5 and 6 are not true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 7: Refer to Paragraph 5 of *Form 2: Complaint*. Put a checkmark (✓) next to the statement that true for your situation. If neither statement is true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

- See the instructions for the packet of forms for the definitions of deployed or deploying spouse.

Paragraphs 8 & 9: If the statements in Paragraphs 8 and 9 are not true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 10: Refer to Paragraph 7 of *Form 2: Complaint*. Fill in the information for each minor child of you and Defendant.

If you have more than three minor children together, attach a sheet that lists the information for each additional child.

- Put a checkmark (✓) in the box at the end of Paragraph 10.
- Type or write “Settlement Agreement Paragraph 10, Agreement as to Facts” on the top of the additional sheet(s).

Paragraph 11: Refer to Paragraph 10 of *Form 2: Complaint*. Put a checkmark (✓) next to the statement that is true for your situation.

- Type or write the full, legal name of the spouse.

If neither statement is true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 12: Refer to Paragraph 9 of *Form 2: Complaint*. Put a checkmark (✓) next to the statement that is true for your situation. If neither statement is true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 13: Refer to Paragraph 12 of *Form 2: Complaint*. Put a checkmark (✓) next to the statement that is true for your situation. If you select the first option, fill in the case number of the child support order.

- If you already have a child support order, make sure you have a copy. You will file the copy of the child support order with the court. (See Step Ten of the Instructions for the forms packet.)

Paragraph 14: List all of the Plaintiff’s sources of income and describe the source of income. List the amount of the monthly income from each source.

Paragraph 15: List all of the Defendant’s sources of income and describe the source of income. List the amount of the monthly income from each source.

WARNING FOR PARAGRAPHS 16 THROUGH 22

In deciding to award spousal support and divide property and debts, the Court would consider the following factors:

- The respective ages of the parties;
- Their earning ability;
- The duration of the marriage and conduct of the parties during the marriage;
- Their station in life;
- The circumstances and necessities of each;
- Their health and physical condition;
- Their financial circumstances as shown by the property owned at the time, its value at the time, its income-producing capacity, if any, whether accumulated before or after the marriage; and
- Such other matters as may be material.

Once spousal support is awarded, or reserved the court can change or set the amount or the length of time the spousal support is paid under certain circumstances. The division of property, once approved by the court, is final and can only be changed under limited circumstances.

PROCEED CAREFULLY AND SEE A LAWYER IF YOU HAVE ANY QUESTIONS.

Paragraph 16: Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the information completely, and explain the need spousal support.

Paragraph 17: Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the information completely.

Include all the real property that you and/or your spouse own. Real property is land either with or without buildings upon it. An example would be your home.

For additional real property, attach a sheet that lists the information for each.

- Put a checkmark (✓) in the box at the end of Paragraph 17.
- Type or write "Settlement Agreement Paragraph 17, Agreement as to Facts" on the top of the additional sheet(s).

Note: the legal description of the property is not the same as the street address. The legal description can be found on the warranty deed, mortgage, title insurance, or from the County Recorder in the county where the property is located.

Paragraph 18: Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the information completely with all vehicles (cars, trucks, boats, RVs, snowmobiles, jet skis, motorcycles) owned by you, your spouse, or both of you together. List the vehicle even if it is not working, or not licensed, or uninsured.

For additional vehicles, attach a sheet that lists the information for each.

- Put a checkmark (✓) in the box at the end of Paragraph 18.
- Type or write "Settlement Agreement Paragraph 18, Agreement as to Facts" on the top of the additional sheet(s).

Paragraph 19: If the statement in Paragraph 19 is not true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

WARNING FOR PARAGRAPH 20

Dividing pension plans and retirement accounts is extremely complicated. The parties are responsible for making sure these assets are divided, which will require a separate court order to divide these assets. The separate court order is called a qualified domestic relations order (QDRO) and the parties are responsible for obtaining a proposed QDRO and presenting the proposed QDRO to the court. The court will not draft a QDRO document or an order including a QDRO.

See the instructions for the *Divorce With an Agreement – With Children* packet of forms for additional information on how to obtain a QDRO.

If Plaintiff and Defendant do not have pension or retirement accounts, or keep their own pension and retirement accounts, without dividing them, a QDRO is not necessary.

Proceed carefully! You are strongly advised to see a lawyer if you are dividing these assets.

Paragraph 20: Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the information completely for each plan by listing the employer, union, or other group which provides the plan; the date you started working at the job or date you joined the union or group plan; the type of pension or retirement plan, and the present value.

For additional plans, attach a sheet that lists the information for each.

- Put a checkmark (✓) in the box at the end of Paragraph 20.
- Type or write “Settlement Agreement Paragraph 20, Agreement as to Facts” on the top of the additional sheet(s).

Paragraph 21: Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the information completely for each financial or other asset not already included in the Settlement Agreement.

For example, if you or your spouse owns a business or a farm, all assets that are part of the operation should be listed. These items would include, but are not limited to: farm machinery, grain on hand, accounts receivable, business equipment, etc.

List all accounts that you and your spouse have together or separately in which you have invested cash. Financial assets include, but are not limited to, checking accounts, savings accounts, CDs, stocks and bonds, investments in limited partnerships, etc.

For additional assets, attach a sheet that lists the information for each.

- Put a checkmark (✓) in the box at the end of Paragraph 21.

- Type or write “Settlement Agreement Paragraph 21, Agreement as to Facts” on the top of the additional sheet(s).

WARNING FOR PARAGRAPH 22

Creditors are not bound by the agreement of the Plaintiff and Defendant. If a debt is awarded to the other party and he or she does not make payment, the creditor can still seek payment from the party who was not awarded the debt.

PROCEED CAREFULLY AND SEE A LAWYER IF YOU HAVE ANY QUESTIONS.

Paragraph 22: Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the information completely for each debt.

List all of your outstanding debts (excluding monthly utility bills). All debts must be listed which are owed by either you or your spouse or the two of you together.

For additional debts, attach a sheet that lists the information for each.

- Put a checkmark (✓) in the box at the end of Paragraph 22.
- Type or write “Settlement Agreement Paragraph 22, Agreement as to Facts” on the top of the additional sheet(s).

Paragraph 23: Put a checkmark (✓) next to the statement that is true for the Plaintiff. If yes, write or type the full, legal name the Plaintiff requests.

Paragraph 24: Put a checkmark (✓) next to the statement that is true for the Defendant. If yes, write or type the full, legal name the Defendant requests.

STIPULATED TERMS FOR JUDGMENT

Paragraph 1: Fill in the name of the County in North Dakota where you intend to file the divorce action.

Paragraph 2 and 3: Read carefully. You do not need to fill out anything for Paragraphs 2 and 3.

PARAGRAPHS 4 THROUGH 18 ARE THE PARENTING PLAN.

A Parenting Plan is required in every action involving residential responsibility and parenting time. The spouses must develop and file a Parenting Plan with the Court.

Paragraph 4: Read carefully. You do not need to fill out anything for Paragraph 4.

Paragraph 5: Complete all 10 parts of Paragraph 5.

Please note that this forms packet does not include an option for split residential responsibility (dividing the minor children between the spouses). If you want a court to establish split residential responsibility, you may not use this form or the *Divorce with an Agreement – With Children* packet of forms.

- Paragraph 5(a): Put a checkmark (✓) next to the residential responsibility option that you selected on Paragraph 8 of *Form 2: Complaint*.
- Paragraph 5(b): Put a checkmark (✓) next to the option to which both spouses agree. DO NOT checkmark more than one option.
- Paragraph 5(c): Fill in the weekly schedule with as many specifics as possible, including pick up times. This is your normal schedule for parenting time.
- Paragraph 5(d): Put a checkmark (✓) next to any options to which both spouses agree. For every option you checkmark, you must fill in the details. This is your alternate schedule for parenting time.
 - Examples of definitions include (but are not limited to):
 - Summertime – “According to the public school calendar;” “From June 1-August 15;” etc.
 - School Release Days – “Days as defined by the public school calendar;” “non-holiday school breaks;” etc.
 - Vacation with Parents – “two consecutive weeks in the summer time;” “two non-consecutive weeks at any time;” “to be scheduled during normal parenting time;” “only upon 30 days written notice;” etc.
- Paragraph 5(e): Fill in the Holidays and Special Days schedule with as many specifics as possible. Include when each holiday and special day is scheduled for both the Plaintiff and Defendant.
 - In the space provided after the Holidays and Special Days schedule, type or write the beginning times and ending times for the holiday/special day. If you would like the holiday/special day to include the weekend if it falls during a weekend or on a Friday or a Monday, type or write that here. If there are any other special arrangements with regard to holidays/special days, type or write them here.
- Paragraph 5(f): Fill in the details of how the spouses agree to inform each other of their minor child(ren)’s extracurricular activities.
- Paragraph 5(g): Fill in the details of your agreement on timeliness of visits.
- Paragraph 5(h): Fill in the details of your agreement on missed parenting time.
 - Examples include (but are not limited to) “missed parenting time is not made up;” “missed parenting time is made up the following week;” “a missed holiday is or is not made up;” etc.
- Paragraph 5(i): Fill in the details of your agreement on notifying each other in advance of missed parenting time.
 - Examples include (but are not limited to) “24 hours in advance;” “by phone;” “text;” etc.

- Paragraph 5(j): If you agree to restrictions on contact with the children, fill in the details of your agreement. If Paragraph 5(j) does not apply to your situation, type or write “Not applicable.”

Paragraph 6: Read carefully. You do not need to fill out anything for Paragraph 6.

Paragraph 7: Complete all 7 parts of Paragraph 7. The Parenting Plan must include decision making responsibility for routine or day-to-day decisions, and major decisions such as education, health care and spiritual development.

- Paragraph 7(a): Read carefully. You do not need to fill out anything for Paragraph 7(a).
- Paragraph 7(b): Read carefully. You do not need to fill out anything for Paragraph 7(b).
- Paragraph 7(c): Put a checkmark (✓) next to the option or options to which both spouses agree.
- Paragraph 7(d): Put a checkmark (✓) next to the option to which both spouses agree. DO NOT checkmark more than one option.
- Paragraph 7(e): Put a checkmark (✓) next to the option to which both spouses agree. DO NOT checkmark more than one option.
- Paragraph 7(f): Put a checkmark (✓) next to the option to which both spouses agree. DO NOT checkmark more than one option.
- Paragraph 7(g): Put a checkmark (✓) next to the option or options to which both spouses agree.

Paragraph 8 and 9: Read carefully. You do not need to fill out anything for Paragraphs 8 and 9.

Paragraph 10: Put a checkmark (✓) next to the option or options to which both spouses agree.

Paragraph 11: Fill in the details of your agreement.

- Examples include (but are not limited to) “alcohol;” “drugs;” “smoking environment;” “violence;” etc.

Paragraph 12: The Parenting Plan must include arrangements for transportation and exchange of the minor child(ren). Put a checkmark (✓) next to the option or options to which both spouses agree. If an option requires additional information, fill in the information.

Paragraph 13: Read carefully. Fill in the agreed upon frequency of contact during long vacations.

- Examples include (but are not limited to) “daily;” “once every 3 days;” etc.

Paragraph 14: Read carefully. You do not need to fill out anything for Paragraph 14.

Paragraph 15: Read carefully. Put a checkmark (✓) next to the option or options to which both spouses agree.

Paragraph 16: Read carefully. You do not need to fill out anything for Paragraph 16.

Paragraph 17: Complete all 4 parts of Paragraph 17. The Parenting Plan must include methods for resolving disputes.

- Paragraph 17(a): Put a checkmark (✓) next to the option to which both spouses agree. If the option requires details, fill in the details. DO NOT checkmark more than one option.
- Paragraph 17(b): Put a checkmark (✓) next to the option to which both spouses agree. If the option requires details, fill in the details. DO NOT checkmark more than one option.
- Paragraph 17(c): Put a checkmark (✓) next to the option or options to which both spouses agree.
- Paragraph 17(d): Read carefully. You do not need to fill out anything for Paragraph 17(d).

Paragraph 18: Read carefully. You do not need to fill out anything for Paragraph 18.

PARAGRAPH 19 IS YOUR CHILD SUPPORT AGREEMENT

If you do not already have a child support order, calculate your child support amount before completing Paragraph 19. Review Step One of the Instructions for the forms packet for information about completing child support calculations.

Paragraph 19 must be complete before either spouse signs this Settlement Agreement. The Child Support Division of the North Dakota Department of Human Services may be able to provide some assistance with child support calculations.

Paragraph 19: Complete all parts of Paragraph 19.

- Paragraph 19(a): Put a checkmark (✓) next to the option that fits your circumstances. Fill in the details. DO NOT checkmark more than one option.
- Paragraph 19(b): Put a checkmark (✓) next to the option that fits your circumstances. If the option requires details, fill in the details. DO NOT checkmark more than one option.
 - **WARNING:** The Calculator amount is presumed to be the correct amount of child support. The spouse asking for a deviation from the Calculator amount must prove they meet one of the limited exceptions for deviation, and the deviation is in the best interests of the child(ren). You are strongly urged to consult an attorney if you are asking for deviation from the Calculator amount.
 - If you are asking for a deviation and need additional space to prove you meet one of the limited exceptions for deviation and best interests of the children, you may attach an additional sheet or sheets.

- Put a checkmark (✓) in the box at the end of Paragraph 19(b).
 - Type or write “Settlement Agreement Paragraph 19(b), Stipulated Terms for Judgment” on the top of the additional sheet(s).
- Paragraph 19(c): Put a checkmark (✓) next to the option that fits your circumstances. If the option requires details, fill in the details. DO NOT checkmark more than one option.
- Paragraph 19(d): Put a checkmark (✓) next to the option that fits your circumstances. If the option requires details, fill in the details. DO NOT checkmark more than one option.
- Paragraph 19(e): Put a checkmark (✓) next to the option that fits your circumstances. If the option requires details, fill in the details. DO NOT checkmark more than one option.
 - This section allows spouses with more than one minor child to calculate child support amounts when the child support obligation ends for an older child. For example, for spouses with three children, when the oldest child turns 18 or graduates high school, child support payment “steps-down” to the amount calculated for two children, rather than three.
 - Please note that you are not required to include step-down child support obligations. You may choose to reserve the issue for some time in the future.
 - If you choose to include a step-down, you will need to complete the Calculator for each step-down child support obligation.
 - If you have more than three minor children, you may use an additional sheet to complete Paragraph 19(e) for more than three children.
 - Put a checkmark (✓) in the box at the end of Paragraph 19(e).
 - Type or write “Settlement Agreement Paragraph 19(e), Stipulated Terms for Judgment” on the top of the additional sheet(s).
- Paragraph 19(f): Read carefully. You do not need to fill out anything for Paragraph 19(f).
- Paragraph 19(g): Read carefully. You do not need to fill out anything for Paragraph 19(g).
- Paragraph 19(h): Read carefully. You do not need to fill out anything for Paragraph 19(h).
- Paragraph 19(i): Read carefully. You do not need to fill out anything for Paragraph 19(i).

Paragraph 20: Complete all parts of Paragraph 20.

- Paragraph 20(a): Read carefully. If existing coverage applies to your situation, put a checkmark (✓) next to “Existing Coverage” and a checkmark (✓) next to either Plaintiff or Defendant.
- Paragraph 20(b): Read carefully. Fill in the details.

Paragraph 21: Fill in the details of your agreement for childcare costs.

Paragraph 22: Put a checkmark (✓) next to the option to which both spouses agree. If the option requires details, fill in the details. DO NOT checkmark more than one option.

Paragraph 23: Refer to Paragraph 16 of Agreement as to Facts. Put a checkmark (✓) next to the option to which both spouses agree. If the option requires details, fill in the details. DO NOT checkmark more than one option.

- If you select an option for payment of spousal support, type or write when spousal support payments will commence, or start.
- If the same spouse paying spousal support will also pay child support, you may wish to start both payments at the same time. (Refer to Paragraph 19(c) of Stipulated Terms for Judgment.)

Paragraph 24: Refer to Paragraph 17 of Agreement as to Facts. Put a checkmark (✓) next to the option to which both spouses agree. If the option requires details, fill in the details. DO NOT checkmark more than one option.

For additional real property, attach a sheet that lists the information for each.

- Put a checkmark (✓) in the box at the end of Paragraph 24.
- Type or write “Settlement Agreement Paragraph 24, Stipulated Terms for Judgment” on the top of the additional sheet(s).

Paragraph 25: Refer to Paragraph 18 of Agreement as to Facts. Put a checkmark (✓) next to the option to which both spouses agree. If the option requires details, fill in the details. DO NOT checkmark more than one option.

For additional vehicles, attach a sheet that lists the information for each.

- Put a checkmark (✓) in the box at the end of Paragraph 25.
- Type or write “Settlement Agreement Paragraph 25, Stipulated Terms for Judgment” on the top of the additional sheet(s).

Paragraph 26: If the statement in Paragraph 26 is not true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 27: Refer to Paragraph 20 of Agreement as to Facts. Put a checkmark (✓) next to the option to which both spouses agree. If the option requires details, fill in the details. DO NOT checkmark more than one option.

For additional plans, attach a sheet that lists the information for each.

- Put a checkmark (✓) in the box at the end of Paragraph 27.
- Type or write “Settlement Agreement Paragraph 27, Stipulated Terms for Judgment” on the top of the additional sheet(s).

Paragraph 28: Refer to Paragraph 21 of Agreement as to Facts. Put a checkmark (✓) next to the option to which both spouses agree. If the option requires details, fill in the details. DO NOT checkmark more than one option.

For additional assets, attach a sheet that lists the information for each.

- Put a checkmark (✓) in the box at the end of Paragraph 28.
- Type or write "Settlement Agreement Paragraph 28, Stipulated Terms for Judgment" on the top of the additional sheet(s).

Paragraph 29: Refer to Paragraph 22 of Agreement as to Facts. Put a checkmark (✓) next to the option to which both spouses agree. If the option requires details, fill in the details. DO NOT checkmark more than one option.

For additional assets, attach a sheet that lists the information for each.

- Put a checkmark (✓) in the box at the end of Paragraph 29.
- Type or write "Settlement Agreement Paragraph 29, Stipulated Terms for Judgment" on the top of the additional sheet(s).

Paragraph 30: Read carefully. You do not need to fill out anything for Paragraph 30.

Paragraph 31: Put a checkmark (✓) next to the option to which both spouses agree. If the option requires details, fill in the details. DO NOT checkmark more than one option.

Paragraph 32: Refer to Paragraphs 23 and 24 of Agreement as to Facts. Put a checkmark (✓) next to the option to which both spouses agree. If the option requires details, fill in the details. DO NOT checkmark more than one option.

Paragraph 33: Read carefully. You do not need to fill out anything for Paragraph 33.

Paragraph 34: Read carefully. You do not need to fill out anything for Paragraph 34.

Paragraph 35: Read carefully. You do not need to fill out anything for Paragraph 35.

Paragraph 36: Read carefully. You do not need to fill out anything for Paragraph 36.

Paragraph 37: Read carefully. You do not need to fill out anything for Paragraph 37.

Paragraph 38: Read carefully. You do not need to fill out anything for Paragraph 38.

Date and Signature: DO NOT SIGN AND DATE THIS DOCUMENT UNTIL YOU ARE IN THE PRESENCE OF A NOTARY PUBLIC OR CLERK OF COURT.

THE COURT WILL NOT ACT ON THE SETTLEMENT AGREEMENT IF IT DOES NOT HAVE THE NOTARIZED SIGNATURES OF BOTH THE PLAINTIFF AND DEFENDANT.

Do not include these instruction sheets when you serve or file the completed form.

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DIVORCE WITH AN AGREEMENT – WITH CHILDREN

INSTRUCTIONS FOR FORM 4: CONFIDENTIAL PROPERTY & DEBT LISTING

(Form 4: Confidential Property and Debt Listing is part of the Divorce With an Agreement – With Children packet of forms. Review the instructions for the packet of forms before completing the Settlement Agreement.)

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Do not include these instruction sheets when you serve or file the completed form.

THE PLAINTIFF AND DEFENDANT WORK TOGETHER TO COMPLETE THIS FORM.

Refer to the completed Form 3: Settlement Agreement to fill out this form. Plaintiff and Defendant must have agreed to a property settlement and have agreed upon the value of each item of property and the outstanding amount of each debt. If Plaintiff and Defendant have not agreed on the value of each item of property and the outstanding amount of each debt, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Top of form (Caption): Fill in the caption exactly as you filled in the caption on *Form 1: Summons*.

Paragraph 1: Refer to Paragraph 17, Agreement as to Facts, of *Form 3: Settlement Agreement*.

Include all the real property that you and your spouse own. Real property is land either with or without buildings upon it. An example would be your home. You will need to attach to the Property and Debt Listing the full legal description, which can be obtained off of your deed or mortgage. Next, list the agreed upon value of each parcel. Attach another sheet of paper if you need more space.

Paragraph 2: Refer to Paragraph 21, Agreement as to Facts, of *Form 3: Settlement Agreement*.

If you or your spouse own a business or a farm, all assets that are part of the operation should be listed under "Business/Farm." These items would include, but are not limited to: farm machinery, grain on hand, accounts receivable, business equipment, etc. Next, list the agreed upon values for each item. Attach another sheet of paper if you need more space.

Paragraph 3: Refer to Paragraph 21, Agreement as to Facts, of *Form 3: Settlement Agreement*.

List all accounts that you and your spouse have together or separately in which you have invested cash. Financial assets include, but are not limited to, checking accounts, savings accounts, CDs, stocks and bonds, investments in limited partnerships, etc. Next, list the agreed upon values each item. Attach another sheet of paper if you need more space.

Paragraph 4: Refer to Paragraph 20, Agreement as to Facts, of *Form 3: Settlement Agreement*.

List each plan - 401(K), IRA, Roth IRA, or other investment defined benefit plan - to which you or your spouse have made a contribution or which is a benefit from your own or your spouse's employment. Next, list the agreed upon value. Attach another sheet of paper if you need more space.

Paragraph 5: Refer to Paragraph 18, Agreement as to Facts, of *Form 3: Settlement Agreement*.

List all vehicles, recreational vehicles, and watercraft owned by you and your spouse. Next, list an agreed upon value. Attach another sheet of paper if you need more space.

Paragraph 6: List all the assets in your home and all other property not listed in any other place on the form. You do not need to list each piece of silverware - you may group assets together. For example, "small kitchen appliances" could be used to include the blender, toaster, coffee maker, food processor, electric fry pan. Try to make reasonable groupings. If the value of an item is under \$10, group it with something else. Next, list the agreed upon value for each item or grouping. Attach another sheet of paper if you need more space.

Paragraph 7: Refer to Paragraph 22, Agreement as to Facts, of *Form 3: Settlement Agreement*.

List all of your outstanding debts (excluding monthly utility bills). All debts must be listed which are owed by either you or your spouse or the two of you together. Next, list the agreed upon value, which would be the amount outstanding on your last statement. Attach another sheet of paper if you need more space.

Paragraph 8: list the total for each paragraph. For example, for Real Property Assets, add up all the real property listed in Paragraph 1 and list the total on the Real Property Assets line of Paragraph 8. Do the same for all of the other paragraphs. If you attached additional sheets of paper, make sure totals for each paragraph include the assets and debts listed on the additional sheets.

Date and Signature: THE PLAINTIFF AND DEFENDANT MUST EACH SIGN AND DATE THIS COMPLETED FORM IN THE PRESENCE OF A NOTARY PUBLIC OR CLERK OF COURT.

(The Confidential Property and Debt Listing is a confidential court record that is not generally available to be viewed by the public after the document is filed with the clerk of court. However, any person with good cause may make a written request to the court for access to the Confidential Property and Debt Listing. If a written request is made, the person making the request must notify the parties in the divorce. The parties will then have the option to tell the court in writing why they agree or disagree with the request. If the court finds that the public interest, or the personal interest of the person making the request, outweighs the privacy interest of the parties, or their dependent children, the court will grant access.)

Do not include these instruction sheets when you serve or file the completed form.

DIVORCE WITH AN AGREEMENT – WITH CHILDREN

INSTRUCTIONS FOR FORM 5: CONFIDENTIAL INFORMATION FORM

(Form 5: Confidential Information Form is part of the Divorce With an Agreement – With Children packet of forms. Review the instructions for the packet of forms before completing the Confidential Information Form.)

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Do not include this instruction sheet when you serve or file the completed form.

THE PLAINTIFF AND DEFENDANT WORK TOGETHER TO COMPLETE FORM.

Form 5: Confidential Information Form gives the court the confidential information that cannot be included in any other forms filed in the case. This form remains confidential and is not a public record.

Top of form (Caption): Fill in the caption exactly as you filled in the caption on *Form 1: Summons*.

Plaintiff, Defendant and Minor Child(ren) Information:

- **Full Information Column**

Fill in the full, legal names, birth dates and social security numbers of the Plaintiff, Defendant and each minor child listed in Paragraph 5 of *Form 2: Complaint*.

If a minor child does not have a social security number, type or write “N/A.”

If you have more than three minor children together, attach a sheet that lists the information for each additional child.

- **Redacted Information Column**

Fill in the information as it appears in the documents that will be seen by the public.

Financial Account Information:

Review the Settlement Agreement (Form 3) for all financial account numbers. Only the last 4 digits of the financial account numbers should be listed on the Settlement Agreement.

- **Full Information Column**

Fill in the full information for each financial account listed in the Settlement Agreement.

- **Redacted Information Column**

List the last 4 digits of the financial account number next to the full information for each financial account.

Date and Signature:

Sign and date the completed form.

Do not include this instruction sheet when you serve or file the completed form.

DIVORCE WITH AN AGREEMENT – WITH CHILDREN
INSTRUCTIONS FOR FORM 6: ADMISSION OF SERVICE

(Form 6: Admission of Service is part of the *Divorce with an Agreement – With Children* packet of forms. Review the instructions for the packet of forms before completing the Admission of Service.)

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

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Do not include this instruction sheet when you serve or file the completed form.

THE PLAINTIFF FILLS OUT THE CAPTION OF THIS FORM. THE DEFENDANT COMPLETES, SIGNS AND DATES THIS FORM.

Top of Form (Caption): Fill in the caption exactly as you filled in the caption on *Form 1: Summons*.

Date and Signature: See Step Four of the Instructions for the forms packet.

Do not include this instruction sheet when you serve or file the completed form.

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DIVORCE WITH AN AGREEMENT – WITH CHILDREN

INSTRUCTIONS FOR FORM 7: AFFIDAVIT OF PROOF FOR STIPULATED JUDGMENT

(Form 7: Affidavit of Proof for Stipulated Judgment is part of the *Divorce With an Agreement – With Children* packet of forms. Review the instructions for the packet of forms before completing the Affidavit of Proof for Stipulated Judgment.)

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

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Do not include these instruction sheets when you serve or file the completed form.

THE PLAINTIFF COMPLETES AND SIGNS THIS FORM.

Top of form (Caption): Fill in the caption exactly as you filled in the caption on *Form 1: Summons*.

First Sentence: Fill in your (the Plaintiff's) full, legal name.

Paragraph 1: Read carefully. You, the Plaintiff, do not need to fill out anything for Paragraph 1.

Paragraph 2: Read carefully. If the statement is not true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 3: Fill in the date you and the Defendant were married.

Paragraph 4: Fill in the initials and year of birth each minor child of you and the Defendant.

- If you have more than three minor children together, type or write the initials and year of birth of each additional child in the blank space available in Paragraph 4.

Paragraph 5: Put a checkmark (✓) next to the option that is true for you, the Plaintiff.

Paragraph 6: Put a checkmark (✓) next to the option that is true for the Defendant.

Paragraph 7: Put a checkmark (✓) next to the statement that is true for your situation. If neither statement is true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

- Complete the option you checkmarked.

Paragraph 8: Put a checkmark (✓) next to the statement that is true for your situation. If neither statement is true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

- See the instructions for the packet of forms for the definitions of deployed or deploying spouse.

Paragraph 9: Read carefully. You do not need to fill out anything for Paragraph 9.

Paragraph 10: Read carefully. You do not need to fill out anything for Paragraph 10.

Paragraph 11: Read carefully. If this statement is not true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

- Put a checkmark (✓) next to the option that is true for you.

Paragraph 12: Read carefully. You do not need to fill out anything for Paragraph 12.

Date and Signature: Do not date or sign until you, the Plaintiff, are in the presence of a Notary Public or a Clerk of Court. Make sure to bring identification to show to the Notary Public or Clerk of Court.

Do not include these instruction sheets when you serve or file the completed form.

DIVORCE WITH AN AGREEMENT – WITH CHILDREN

INSTRUCTIONS FOR FORM 8: FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR JUDGMENT

(Form 8: Findings of Fact, Conclusions of Law and Order for Judgment is part of the *Divorce With an Agreement – With Children* packet of forms. Review the instructions for the packet of forms before completing the Findings of Fact, Conclusions of Law and Order for Judgment.)

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Do not include this instruction sheet when you serve or file the completed form.

To complete this form you will need the original or a copy of your completed Form 3: Settlement Agreement.

Top of form (Caption): Fill in the caption exactly as you filled in the caption on *Form 1: Summons*.

Introductory Paragraph: **DO NOT** fill in any information. If the Court uses this form, the Judge or Referee assigned to your action will fill in the information in the introductory paragraph.

FINDINGS OF FACT: PARAGRAPHS 1 – 24

To complete this section of the form, you will need to refer to the completed “Agreement as to Facts” section of your completed Form 3: Settlement Agreement.

Copy the information **EXACTLY** from each paragraph of the “Agreement as to Facts” section of your completed *Form 3: Settlement Agreement* into the corresponding paragraphs of the “Findings of Fact.”

CONCLUSIONS OF LAW: PARAGRAPHS 1 – 34

To complete this section of the form, you will need to refer to the completed “Stipulated Terms For Judgment” section of your completed Form 3: Settlement Agreement.

Copy the information **EXACTLY** from each paragraph of the “Stipulated Terms For Judgment” section of your completed *Form 3: Settlement Agreement* into the corresponding paragraphs of the “Conclusions of Law.”

ORDER FOR JUDGMENT

Leave this section blank. If the Court uses this form, the Judge or Referee assigned to your divorce action will fill in the information.

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DIVORCE WITH AN AGREEMENT – WITH CHILDREN

INSTRUCTIONS FOR FORM 9: JUDGMENT

(*Form 9: Judgment* is part of the *Divorce With an Agreement – With Children* packet of forms.
Review the instructions for the packet of forms before completing the Judgment.)

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Do not include this instruction sheet when you serve or file the completed form.

To complete this form you will need the original or a copy of your completed *Form 3: Settlement Agreement*.

Top of form (Caption): Fill in the caption exactly as you filled in the caption on *Form 1: Summons*.

Introductory Paragraph: **DO NOT** fill in any information. If the Court uses this form, the Clerk of Court will fill in the information in the introductory paragraph.

IT IS HEREBY ORDERED AND ADJUDGED AND DECREED AS FOLLOWS: PARAGRAPHS 1 – 34

To complete this section of the form, you will need to refer to the completed “Stipulated Terms For Judgment” section of your completed *Form 3: Settlement Agreement*.

Copy the information **EXACTLY** from each paragraph of the “Stipulated Terms For Judgment” section of your completed *Form 3: Settlement Agreement* into the corresponding paragraphs of *Form 9: Judgment*.

PARAGRAPH 35

Fill in the last four digits of the Plaintiff’s Social Security Number and the last four digits of the Defendant’s Social Security Number.

FINAL PARAGRAPH

Leave this section blank. If the Court uses this form, the Clerk of Court will fill in the information.

Do not include this instruction sheet when you serve or file the completed form.

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